



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

Citation: Chapman v O'Neill, 2026 ONLTB 21277

Date: 2026-03-09

File Number: LTB-T-057666-23-RV
LTB-L-079203-22-RV

In the matter of: Apartment #3, 32 Kippendavie Ave
Toronto ON M4L3R4

Between: George O'Neill Landlord

And

Andrew Chapman Tenant

Review Order

George O'Neill (the 'Landlord') applied for an order to terminate the tenancy and evict Andrew Chapman (the 'Tenant') because:

- the Tenant, another occupant of the rental unit or someone the Tenant permitted in the residential complex has substantially interfered with the reasonable enjoyment or lawful right, privilege or interest of the Landlord or another tenant; and
- the Tenant, another occupant of the rental unit or someone the Tenant permitted in the residential complex has wilfully or negligently caused damage to the premises.

The Landlord also applied for an order requiring the Tenant to pay the Landlord's reasonable out-of-pocket costs the Landlord has incurred or will incur to repair or replace undue damage to property. The damage was caused wilfully or negligently by the Tenant, another occupant of the rental unit or someone the Tenant permitted in the residential complex.

Andrew Chapman (the 'Tenant') applied for an order determining that George O'Neill (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.

This application was resolved by order LTB-T-057666-23 issued on February 2, 2026.

On March 5, 2026, the Tenant 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 portions of the audio recording for this hearing.

Determinations:

1. The Tenant's request to review largely restates the Tenant's position on issues that were raised and addressed at the original hearing and voices their disagreement with the Member's determinations.
2. Interpretation Guideline 8 - Review of an Order states:

A review is not an appeal or an opportunity to change the way a case was presented.

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 evidence introduced 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 observing the witnesses and of hearing the evidence in its totality.

TSL-51694-14-IN-RV (Re), 2015 CanLII 23959 (ON LTB) at para 10

3. The Tenant's disagreement with the Member's determinations is not sufficient grounds for review. There is no indication that the Member applied improper principles in assessing the evidence introduced in this case or that there was insufficient evidence before the Board to support the Member's conclusions.
4. The Tenant also takes issue with how the hearing was conducted. More specifically, the Tenant alleges that they were not given sufficient time to present their case and that the Member was biased and interfered with how the Tenant participated in the hearing. I am not persuaded by these arguments. I have listened to portions of the hearing recording and reviewed the materials in the file. The hearing was conducted over three separate hearing dates. It is also clear from the hearing recording, that the Member gave the parties sufficient time to present their cases and conduct cross-examination. The Tenant was unrepresented and not legally trained. The Member appropriately intervened as necessary to keep the parties on track and to avoid irrelevant topics. There is no evidence of bias or inappropriate interference.
5. As a result, based on 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-057666-23 issued on February 2, 2026 is denied. The order is confirmed and remains unchanged.

March 9, 2026
Date Issued

Richard Ferriss
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.