



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

Citation: DMYTERKO v 1000140945 ONTARIO INC, 2026 ONLTB 15482

Date: 2026-03-12

File Number: LTB-T-065466-25-RV

In the matter of: 2, 3830 MAIN ST
NIAGARA FALLS ON L2G6B2

Between: TANIA DMYTERKO Tenant
TOM HENDERSON

And

1000140945 ONTARIO INC Landlord

Review Order

TANIA DMYTERKO and TOM HENDERSON (the 'Tenant') applied for an order determining that 1000140945 ONTARIO INC (the 'Landlord') collected or retained money illegally.

This application was resolved by order LTB-T-065466-25 issued on February 25, 2026.

On March 10, 2026, the Landlord 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. The Landlord's request to review largely restates the Landlord'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 Landlord'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. It is clear from the facts of this case that the Landlord did not collect an illegal rent until they cashed a cheque for an amount to which they were not entitled in December 2024. It is in this instant that they collected an illegal rent and it is from this point in time that the limitation period begins. That the amount paid was allocated or intended for a period of time prior to the limitation period does not change this fact. As a result, I see no errors in the order with respect limitation periods.
5. Review order LTB-L-012914-24-RV issued on August 9, 2024 clarifies the terms of order LTB-L-012914-24 issued on August 6, 2024, but has no bearing on whether the Landlord collected an illegal rent. As a result, the Tenant's application is not a collateral or backdoor attack on the review order and the doctrines of issue estoppel and res judicata do not apply.
6. I am not persuaded that there is a serious error in the order regarding set off in relation to LTB-L-092352-24-RV and LTB-L-091557-23 because the Landlord did not request set off at the hearing. A party cannot request a review with respect to an issue that the party could and should have raised at the original hearing. I should note that the Landlord's and the Tenant's representatives both stated at the hearing that there were other proceedings between the parties involving sums of money owing and that they would work out the ultimate balance owing between themselves. I trust that the representatives will do so and not waste precious Board resources on basic math.
7. 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 Landlord was not reasonably able to participate in the proceeding.

It is ordered that:

1. The request to review order LTB-T-065466-25 issued on February 25, 2026 is denied. The order is confirmed and remains unchanged.

March 12, 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.