



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

Citation: Lam v Hung, 2026 ONLTB 22448

Date: 2026-03-12

File Number: LTB-L-064511-24-RV

In the matter of: 14 DUNTON LANE
RICHMOND HILL ON L4B0G4

Between: Timothy Lam
Cecilia Kwan Ling Chan
Landlords

And

Toby Hung
Markville Wellness Centre
Former
Tenants

Review Order

Timothy Lam and Cecilia Kwan Ling Chan (the 'Landlords') applied for an order requiring Toby Hung and Markville Wellness Centre (the 'Former Tenants') to pay the Landlords' reasonable out-of-pocket costs that are the result of the Former Tenants' conduct or that of another occupant of the rental unit or someone the Former Tenants permitted in the residential complex. This conduct substantially interfered with the Landlords' reasonable enjoyment of the residential complex or another lawful right, privilege or interest.

Timothy Lam and Cecilia Kwan Ling Chan (the 'Landlords') applied for an order requiring Toby Hung and Markville Wellness Centre (the 'Former Tenants') to pay the Landlords' reasonable out-of-pocket costs that are the result of the Former Tenants' failure to pay utility costs they were required to pay under the terms of the tenancy agreement.

Timothy Lam and Cecilia Kwan Ling Chan (the 'Landlords') applied for an order requiring Toby Hung and Markville Wellness Centre (the 'Former Tenants') to pay the Landlords' reasonable out-of-pocket costs that the Landlord incurred or will incur to repair or replace undue damage to property. The damage was caused wilfully or negligently by the Former Tenants, another occupant of the rental unit or someone the Former Tenants permitted in the residential complex.

This application was resolved by order LTB-L-064511-24 issued on March 2, 2026.

On March 11, 2026, the Former Tenants requested a review of the order.

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

Determinations:

1. The Former Tenants' request to review largely restates the Former Tenants' 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 Former Tenants' disagreement with the Member's determinations is not sufficient grounds for review. The order provides a detailed account of the evidence presented at the hearing and paragraphs 19 and 20 of the order provide sufficient reasons explaining why the Member determined the Former Tenants, an occupant or someone the Former Tenants permitted in the rental unit had smoked in the unit and in doing so substantially interfered with the Landlord.
4. Paragraph 20 highlights the evidence which the Member found most compelling and this included multiple lighters and cigarette ashes found in the rental unit and a report from Inch-by-Inch Inspections stating the smell of cigarette smoke was present in the unit. I note paragraph 10 of the order also shows the Landlord testified that during an April 2024 inspection, someone in the unit was observed to be smoking.
5. The Board's review process is not an opportunity to reargue an issue in the hopes of achieving a different income. There is no indication in the order that the Member applied improper principles in assessing the evidence introduced. Contrary to the Former Tenants' submissions in the review request, I find the Member did have sufficient evidence to support her conclusions concerning smoking in the rental unit.
6. 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. Accordingly, the Former Tenants' request for review is denied.

It is ordered that:

1. The request to review order LTB-L-064511-24 issued on March 2, 2026 is denied. The order is confirmed and remains unchanged.

March 12, 2026
Date Issued

John Cashmore
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.