



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

Citation: Port Hope Non-Profit Housing Corporation v Simpson, 2026 ONLTB 22646

Date: 2026-03-13

File Number: LTB-L-071483-25-RV

In the matter of: 15, 61 MCCAUL ST
PORT HOPE ON L1A1L2

Between:	Port Hope Non-Profit Housing Corporation	Landlord
And		
	Tasha Simpson	Tenant

Review Order

Port Hope Non-Profit Housing Corporation (the 'Landlord') applied for an order to terminate the tenancy and evict Tasha Simpson (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.
- the Tenant, another occupant of the rental unit or someone the Tenant permitted in the residential complex has willfully or negligently caused damage to the premises.

Port Hope Non-Profit Housing Corporation (the 'Landlord') also applied for an order requiring Tasha Simpson (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.

This application was resolved by order LTB-L-071483-25 issued on February 10, 2026

On March 11, 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 submits that the Member seriously erred by misunderstanding or failing to consider evidence presented at the hearing.

2. The Landlord submits that there is a statement at paragraph 7 of the order that the Landlord provided no reports or photographs in support of the application and that there is a statement at paragraph 9 that no reports or photographs were submitted. These submissions are incorrect. Paragraph 7 of the order states that the Landlord did not provide reports or photographs establishing the source of the water damage or linking the damage to the Tenant's actions. Paragraph 9 of the order states that the Landlord provided no inspection reports or photographic evidence of the flooding.
3. In the review request the Landlord submits that they did provide reports and photographs in their book of documents. This is true. However, the Landlord's representative did not refer to any reports during the hearing and so no reports became part of the evidentiary record. Only documents referred to in a hearing become part of the evidentiary record. The Landlord's representative did refer to photographs at the hearing, but as pointed out by the Member during the hearing, these photographs show remediation work in progress; they do not show flooding or establish that the Tenant caused flooding.
4. Based on the above I am not satisfied that the Member erred by misunderstanding or failing to consider evidence presented at the hearing.
5. The Landlord also submits that the Member required the Landlord to prove its case beyond a reasonable doubt whereas the applicable standard in LTB proceedings is proof on a balance of probabilities. There is no indication in the order that the Member misapplied the burden of proof as alleged. The Member found that he was not satisfied that the Tenant had caused the damage because the Landlord had not provided sufficient proof. The Member noted the evidence that was adduced by the Landlord and found that this evidence, which mainly consisted of inferences drawn by the Landlord's witness and invoices, was insufficient. This was reasonable. The Landlord's evidence established that there was repair work done. This was insufficient to link the damage to the Tenant's conduct. To require the Landlord to give evidence linking the damage to the Tenant's conduct was not improper and it did not impose a more onerous evidentiary burden.
6. 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.

It is ordered that:

1. The request to review order LTB-L-071483-25 issued on February 10, 2026 is denied. The order is confirmed and remains unchanged.

March 13, 2026
Date Issued

Renée Lang
Vice Chair, 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.