



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

Citation: Miller v Kapenda, 2026 ONLTB 23231

Date: 2026-03-16

File Number: LTB-T-030829-25-RV2

In the matter of: BASEMENT, 1861 MAIN ST E
HAMILTON ON L8H1G2

Between: David Miller Tenant

And

Kevin Kapenda Landlord

Review Order

David Miller (the 'Tenant') applied for an order determining that Kevin Kapenda (the 'Landlord') collected or retained money illegally.

This application was resolved by order LTB-T-030829-25 issued on October 17, 2025. The hearing was held on October 16, 2025. Neither the Tenant nor the Landlord attended the hearing. The application was dismissed as abandoned.

On October 26, 2025, the Tenant requested a review of the order. On October 27, 2025, interim order LTB-T-030829-25-RV-IN was issued.

The Tenant's request for review was granted and order LTB-T-030829-25-RV-IN2 was issued on November 28, 2025. The application was ordered to be reheard.

The rehearing of this application was heard by videoconference on January 8, 2026. Only the Tenant attended the hearing. Order LTB-T-030829-25-RV was issued on February 13, 2026.

On March 13, 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.

Determinations:

1. The Landlord submits that they were not reasonably able to participate in the proceedings and that there is a serious error in the order.

2. 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 Landlord was not reasonably able to participate in the proceeding.
3. The LTB's records indicate that the Landlord provided e-mail consent for the service of documents from the LTB on April 15, 2025. The LTB's records indicate that the Landlord was e-mailed the Notice of Hearing on December 10, 2025 and deemed to have been received by the Tenant on December 10, 2025: s.191(1)(g) of the *Residential Tenancies Act, 2006* and Rule 3.5 of the *Board's Rules of Procedure*.
4. In the review request, the Landlord does not indicate he never received the Notice of Hearing from the LTB. The Landlord does not provide sufficient reasons in their request to explain how he was not reasonably able to participate in the January 8, 2026 hearing.
5. For the reasons above, the Landlord has not shown that they were not reasonably able to participate in the January 8, 2026 hearing.
6. With respect to the serious error alleged, the Landlord seeks to challenge the Tenant's evidence of the rent deposit paid by the Tenant. The Landlord states that he has records that show the deposit was paid to his real estate agent and not collected by him. This does not amount to a serious error in the order or in the proceedings. The opportunity to challenge the paid deposit was at the hearing stage not at the review stage of the proceedings. The purpose of the review process is not to provide parties with an opportunity of relitigating the issues in hopes of a better outcome.
7. As the Landlord has failed to establish that there is a serious error in the order or that they were not reasonably able to participate in the proceedings, the request to review must be denied.

It is ordered that:

1. The request to review order LTB-T-030829-25-RV issued on February 13, 2026 is denied. The order is confirmed and remains unchanged.

March 16, 2026
Date Issued

Mayra Sawicki
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.