



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

File Number: LTB-L-038203-25-RV2

In the matter of: 38, 64 HENLEY CRES
ETOBICOKE ON M9W2X3

Between: Henley Crescent Div. Landlord

And

Ana Falcon Tenant
Brittany Abrego

Review Order

Henley Crescent Div. (the 'Landlord') applied for an order to terminate the tenancy and evict Ana Falcon and Brittany Abrego (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was resolved by order LTB-L-038203-25 issued on October 15, 2025.

On October 23, 2025, the Tenant requested a review of the order.

The review request was resolved by order LTB-L-038203-25-RV issued on December 9, 2025.

On March 16, 2026, the Tenant requested a review of the review 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. In the review request, the Tenant submitted that she was unable to fully present her circumstances at the November 20, 2025, review hearing, due to being a victim of domestic abuse. The Tenant submitted that, due to the effect this abuse had on her mental health, she was not able to meaningfully participate in the hearing.
2. Having listened to the hearing recording, I am not satisfied that the Tenant was not reasonable able to participate in the proceedings. The Tenant participated fully throughout, providing submissions on all the relevant issues. The circumstances the Tenant raised in her review request were also presented during the hearing.

3. In the review request, the Tenant submitted that the Member made a serious error by failing to properly consider all the relevant circumstances under section 83 of the *Residential Tenancies Act* (2006) (the 'Act').
4. The Tenant's circumstances are referenced in the order at paragraphs 2, 5, and 6. I am therefore satisfied that the Member was aware of the Tenant's circumstances and considered them. Moreover, it was the Tenant who offered to extend the termination date to March 31, 2026, at the hearing, proposing to repay \$300 each month until then. The Landlord's Agent agreed to these terms. I am satisfied that the order accurately reflects the terms the parties agreed to on record. Therefore, there is no error.
5. In the review request, the Tenant submitted that there was new evidence that became available after the hearing. Namely, the Tenant's abusive ex-partner passed away on January 21, 2026, which changed the Tenant's circumstances, allowing her to make arrangements to preserve the tenancy.
6. New evidence is only a ground for review in situations where the new evidence was material to the issues in the hearing and where it was not available on the date of the hearing with the exercise of due diligence. In this case the Tenant seeks to adduce evidence of an event that occurred after the hearing. This evidence could not have been given at the hearing because it did not exist at that point and so it would not have been material evidence at the hearing. The purpose of new evidence as a ground for review is not to capture updates about a party's circumstances or updates about new events that occurred after a hearing. Board decisions are final. To find that a new hearing is required whenever there is an update to a party's circumstances, or a new event occurs, would interfere with the Board's ability to provide final decisions.
7. The Tenant also requested more time to find alternative accommodations. While I am mindful of the Tenant's submissions, the Divisional Court affirmed at paragraph 27 in *So v. Canadian Mental Health Association, Toronto Branch*, 2024 ONSC 3371 (Div. Ct.) that relief from eviction under section 83 of the Act does not have a second, independent applicability at the review stage of the Board's process.
8. 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 Tenant was not reasonably able to participate in the proceeding.

It is ordered that:

1. The request to review order LTB-L-038203-25-RV issued on December 9, 2025, is denied. The order is confirmed and remains unchanged.

March 18, 2026

Date Issued

Kate Sinipostolova

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.