



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

Citation: Schlenker v Okipniuk, 2026 ONLTB 23711

Date: 2026-03-18

File Number: LTB-T-022405-24-RV2 and LTB-T-053152-25-RV

In the matter of: 1902, 61 RICHVIEW RD
ETOBICOKE ON M9A4M8

Between: Matthew Bryan Schlenker Tenant

And

Myron Okipniuk Former Landlord

And

Lisa Martellacci Current Landlord
Paul Innocente

Review Order

Matthew Bryan Schlenker (the 'Tenant') applied for an order determining that Myron Okipniuk (the 'Former Landlord') and Lisa Martellacci and Paul Innocente (the 'Current Landlord') harassed, obstructed, coerced, threatened or interfered with the Tenant (T2 Application LTB-T-022405-24).

The T2 application was resolved by order LTB-T-022405-24 issued on April 2, 2025. On April 30, 2025, the Current Landlord requested a review of the order. The Current Landlord's review request was granted by order LTB-T-022405-24-RV-IN2 issued on June 18, 2025 and a new hearing of the T2 application was ordered.

The Tenant also applied for an order determining that the Former Landlord and Current Landlord collected or retained money illegally (T1 Application LTB-T-053152-25).

The rehearing of the T2 application and the hearing at first instance of the T1 application were resolved by order LTB-T-022405-24-RV and LTB-T-053152-25 issued on February 11, 2026.

On March 13, 2026, the Landlord requested a review of order LTB-T-022405-24-RV and LTB-T-053152-25.

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

Determinations:

1. The Current Landlord's request to review largely restates the Current 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 Current 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. The Current Landlord's request to review argues that the Member misinterpreted the Act. Interpretation Guideline 8 - Review of an Order states:

The LTB will not exercise its discretion to review an order interpreting the RTA unless the interpretation conflicts with a binding decision of the Courts or is clearly wrong and unreasonable.

5. There are no binding Court decisions that directly speak to the issue identified in the request to review and I am not satisfied that the order under review is clearly wrong and unreasonable.
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 or that the Current Landlord was not reasonably able to participate in the proceeding.

It is ordered that:

1. The request to review order LTB-T-022405-24-RV and LTB-T-053152-25 issued on February 11, 2026 is denied. The order is confirmed and remains unchanged.

March 18, 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.