



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

File Number: LTB-L-038204-25-RV

In the matter of: 2, 975 BARTON ST E
HAMILTON ON L8L3C8

Between: FOUNDATION CAPITAL HOLDINGS LIMITED Landlord

And

ARLIE LEWIS Tenant

Review Order

FOUNDATION CAPITAL HOLDINGS LIMITED (the 'Landlord') applied for an order to terminate the tenancy and evict ARLIE LEWIS (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.

This application was resolved by order LTB-L-038204-25-AM issued on January 6, 2026 and amended on March 5, 2026.

On March 2, 2026, the Tenant 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 audio recording for this hearing.

Determinations:

Request to Extend time

1. In accordance with rule 16.4, the request to extend time to file a review is granted, as the Tenant provided an explanation for the delay.

Review Request

2. The Tenant's review request (RTR) claims that Board order issued on January 6, 2026 and amended on March 5, 2026 (the "Order") contains a serious error.
3. By way of background, the Landlord's Form N5 alleges there was excessive clutter in the back exterior of the rental unit, blocking passage to the exterior stairway, fire escape and veranda. As a result, the Member found that the Tenant substantially interfered with the

reasonable enjoyment or lawful right, privilege or interest of the Landlord or another tenant and a conditional, section 78 order was rendered as a result.

4. The RTR submits the Landlord had a duty to inquire and consider appropriate accommodations measures and that the Member's imposed s.78 terms failed to consider the Tenant's disability and the parties' obligations under the *Human Rights Code*, R.S.O. 1990 (the "Code").
5. While the recording shows the Tenant noted she was "on disability" when explaining her financial situation, the Tenant did not request accommodation at the hearing, nor was it shown that the Tenant requested accommodation from the Landlord or Board in advance of the hearing.
6. The hearing recording also shows that the member made multiple requests to the Tenant to explain the reason for the excessive clutter and/or whether the Tenant would abide by a conditional order to remedy such clutter. Notwithstanding such inquiries, the Tenant did not raise that any Code-protected grounds, such as disability, (i) had impacted either the Tenant's ability to keep the area in question clutter-free; or (ii) would impact the Tenant's ability to remove the items in question. In fact, on multiple occasions, the Tenant requested that the Tenant be given until November 2025 (being 2 months from the date of the hearing) to remove their items in question.
7. In explaining the reason to impose a conditional order, the member noted that "*the Tenant demonstrated that she is capable of removing items as she did in some of the balcony areas between April and July 2025*". Moreover, given the issuance date of the Order (being approximately 4 months after the hearing date), the Tenant, in fact, was granted additional compliance time that surpassed the Tenant's original 2 month request to remove items.
8. In light of the inquiries made by the member and resulting information concerning the Tenant's circumstances put before the member in response to such inquiries, I am not satisfied that the member failed to adequately consider the Tenant's circumstances.
9. For completeness, while the RTR also claims that there is a lack of clarity respecting the conditional terms imposed due to what appears to be a clerical issue, the Board's records show that the member has since issued an amending order addressing the noted confusion.
10. As I am not satisfied that there is a serious error in the order or in the proceedings, the RTR must be denied.

It is ordered that:

1. The request to review order LTB-L-038204-25-AM issued on January 6, 2026 and amended on March 5, 2026 is denied. The order is confirmed and remains unchanged.

March 19, 2026
Date Issued

Peter Nicholson
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.