



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

File Number: LTB-L-099066-25-RV

In the matter of: 2133 KLONDIKE PARK RD
WASAGA BEACH ON L9Z2W9

Between: Matthew Kirkham Landlord

And

Trenton Miner Tenant
Shannon Bell

Review Order

Matthew Kirkham (the 'Landlord') applied for an order to terminate the tenancy and evict Trenton Miner and Shannon Bell (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was resolved by order LTB-L-099066-25 issued on February 18, 2026.

On March 18, 2026, the Tenant requested a review of the order.

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

Determinations:

1. The Tenant alleges that they were not reasonably able to participate in the proceeding.
2. The Tenant attended the hearing and requested an adjournment stating that they had only received notice of the hearing one week prior to the hearing date. The Tenant alleged that they did not receive proper notice of the hearing because the Landlord interfered with their mail. The Tenant alleged to have evidence of this interference, but did not provide any at the hearing. The Tenant's request to adjourn was denied and the hearing proceeded which resulted in an order terminating the tenancy.
3. The Tenant's request to review seeks to introduce an affidavit from a Canada Post employee to support the Tenant's allegation that the Landlord interfered with their mail.
4. 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

5. The Tenant's attempt to introduce the affidavit now is an attempt to present a better or different case that at first instance and is contrary to the Guideline.
6. 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.
7. In addition, the Interpretation Guideline states:

Parties are expected to make every effort to produce all relevant evidence in support of their positions in the original hearing. The review will be dismissed unless the LTB is satisfied the new evidence could not have been produced at the original hearing, is material to the issues in dispute and its consideration could change the result. *First Homes Society v Henry*, [2002] O.J. No. 1754, (Div Ct.); NOL-16865-14-RV(Re), 2014 CanLII 78539 (ON LTB).

8. The Tenant does not explain why the affidavit was not supplied at the original hearing (nor why it was not supplied until one month after the order was issued). As a result, I am not satisfied that the affidavit could not have been produced at the original hearing.
9. 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 Tenant was not reasonably able to participate in the proceeding.

It is ordered that:

1. The request to review order LTB-L-099066-25 issued on February 18, 2026 is denied. The order is confirmed and remains unchanged.

March 19, 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.