



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

Citation: Loureiro v De Jesus, 2026 ONLTB 24539

Date: 2026-03-26

File Number: LTB-L-049987-25-RV2

In the matter of: Apt 5 - Rear/Studio (Ground Floor), 1109
COLLEGE ST
TORONTO ON M6H1B4

Between: Nelson Loureiro Landlords
Aurora Rodrigues
Irene De Matos Loureiro

And

Anderson De Jesus Tenants
Stefania De Jesus

Review Order

Nelson Loureiro, Aurora Rodrigues and Irene De Matos Loureiro (the 'Landlords') applied for an order to terminate the tenancy and evict Anderson De Jesus and Stefania De Jesus (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

This application was resolved by order LTB-L-049987-25 issued on September 11, 2025. The Tenants were not in attendance at the hearing held on August 28, 2025.

On September 26, 2025, the Tenants requested a review of the order and that the order be stayed until the request to review the order is resolved.

On September 29, 2025 interim order LTB-L-049987-25-RV-IN was issued, staying the order issued on September 11, 2025.

The review request was heard on October 22, 2025, and was granted by way of Interim order LTB-L-049987-25-RV-IN2 issued on October 30, 2025. The interim order directed that the matter be heard de novo (anew) on its merits.

The application was heard de novo on December 16, 2025 and was resolved by order LTB-L-049987-25 issued on January 8, 2026.

On February 4, 2026, the Tenants filed a second request to review the order issued on December 16, 2025.

On February 6, 2026, interim order LTB-L-049987-25-RV-IN3 was issued staying the order issued on January 8, 2026 and directing the matter to a review hearing.

This second review request was heard by videoconference on March 18, 2026. The Landlord's legal representative Linda Flores, the Tenant Stefania De Jesus and the Tenant's legal representative Mark Bondy attended the hearing.

Determinations:

1. The order issued on January 8, 2026, terminates the tenancy unless the Tenants pay to the Landlords \$13,633.29 on or before February 27, 2026. At the hearing on December 16, 2025, the Tenant Stefania De Jesus raised maintenance claims pursuant to section 82 of the *Residential Tenancies Act, 2006* (the 'Act') with respect to mice and mould being present in the rental unit. The order considers and dismisses the Tenant's section 82 claims as the presiding Member was not satisfied that the Landlords were in breach of their maintenance obligations under the Act.
2. The Tenant's request for review asserts that the order contains a serious error and that the Tenants were not reasonably able to participate in the proceedings.
3. As explained below, 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 Tenants were not reasonably able to participate in the proceeding.
4. The Tenant's review is filed on the basis that they retained the services of the Parkdale Community Legal Clinic on a limited basis only and that the legal clinic was responsible for filing the Tenant's documentary evidence to support their section 82 claims on the scheduled hearing date. The Tenant's representative confirmed that the legal clinic erred and failed to file the documentary evidence with the LTB prior to the December 16, 2025 hearing.
5. The hearing recording confirms that the Tenant Stefania De Jesus was present at the December 16, 2025 hearing date and gave oral testimony with respect to the Tenant's section 82 claims. The hearing recording also confirms that the Tenant logged into the videoconference from the Parkdale Community Legal Clinic.
6. The hearing recording further confirms the presiding Member advised the Tenant that no documentary evidence had been filed with the Board prior to the hearing. Despite this, the Tenant elected to proceed with the matter based on her oral testimony only and did not request an adjournment of the matter to follow up with the legal clinic to inquire about the documents to be submitted and further did not request assistance from a staff member at the legal clinic to assist with locating the evidence that the Tenant believed was filed and disclosed.
7. In my view, there was no error for the presiding Member to proceed with the hearing as scheduled and I further find that the Tenant was fully able to participate in the proceedings.
8. The hearing recording confirms that the Tenant was given a full opportunity to give oral testimony, cross-examine the Landlords and give closing submissions on the matter. The hearing recording further confirms that the Tenant was content to proceed with the merits

of the hearing despite being advised that the documentary evidence was not filed and before the Board.

9. The Board's records confirm that the matter has been scheduled and adjourned / reconvened before the Board on more than one occasion. As the section 82 claims were advanced by the Tenants, it was their responsibility to ensure that their evidence was properly filed and disclosed to the Board. Although the Tenants relied on their local legal aid clinic to submit these documents, there was no evidence before the Board to suggest that the Tenants followed up with the legal clinic to ensure that the evidence was in fact filed as per their request. Further, when advised by the Board that the evidence was not filed, the Tenant took no steps at the hearing to ensure that the evidence was subsequently submitted.
10. I find that the Tenants taking no steps to ensure that their supporting section 82 evidence was filed with the Board was a lack of due diligence on their part. As stated by the Divisional Court in *Q Res IV Operating CP Inc. v. Berezovs'ka 2017 ONSC 5541* "If parties are not diligent in dealing with legal proceedings, then they cannot demand that a Tribunal waste its resources by rehearing matters a second time. To allow this would undermine the ability of the administration of justice to deliver timely cost-effective and final orders".
11. In my view, the Tenants were reasonably able to participate in the hearing held on December 16, 2025 and were content to do so at the time of the hearing.
12. It appears that the Tenants only now take issue with the proceedings because the presiding Member's order did not result in their favour.
13. The Board's review process is not an opportunity for a party to re-argue a matter or re-present their case in the hopes of achieving a better outcome.
14. As such, the Tenant's request for review is denied and the stay of the January 8, 2026 order will be lifted immediately as the Tenants have paid no rent to the Landlords since the issuance of the prior order.

It is ordered that:

1. The request to review order LTB-L-049987-25 issued on January 8, 2026, is denied. The order is confirmed and remains unchanged.
2. The interim order issued on February 6, 2026, is cancelled. The stay of order LTB-L-049987-25 is lifted immediately.

March 26, 2026
Date Issued

Fabio Quattrociocchi
Member, Landlord and Tenant Board

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If you have any questions about this order, call 416-645-8080 or toll free at 1-888-332-3234.