



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

Citation: Hastings Local Housing Corporation v Tait, 2026 ONLTB 24569

Date: 2026-03-20

File Number: LTB-L-101575-25-RV

In the matter of: 56, 59 RUSSELL ST
BELLEVILLE ON K8N5V3

Between: Hastings Local Housing Corporation Landlord

And

Jody Tait Tenant
Geoff Patterson

Review Order

Hastings Local Housing Corporation (the 'Landlord') applied for an order to terminate the tenancy and evict Jody Tait and Geoff Patterson (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was resolved by order LTB-L-101575-25 issued on March 11, 2026.

On March 19, 2026, the Tenant requested a review of the order.

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

Determinations:

1. 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 the Tenant was not reasonably able to participate in the proceeding.
2. The Tenant attended the hearing and actively participated. The order reflects that the Tenant understood the relevant issues and was provided an opportunity to provide evidence on those issues. There is no merit to the submission that the Tenant was not reasonably able to participate in the proceeding.
3. The Tenant submits that they did not have enough time to prepare for the hearing. The Tenant raised this issue at the hearing, and it was addressed by the Board. The Board denied the Tenant's adjournment request after hearing that the Tenant received the notice of hearing the first week of February for the February 19, 2026, hearing date, the Board provided information about the disclosure requirements to the Tenant in advance of the hearing, the Tenant has already filed a tenant application where their issues will be

heard, and after considering the prejudice from an adjournment. The Board Member's exercise of discretion to deny the adjournment request was reasonable and I'm not satisfied that denying the request constitutes a serious error.

4. The Tenant wants the Board to reinstate their rent geared to income subsidy. Section 203 of the *Residential Tenancies Act, 2006* ('the Act') establishes that the Board does not have the jurisdiction to do that.
5. The Tenant disputes the Board's statement that the Tenant provided no proposal to pay the arrears. The Tenant provides information about emails with the Landlord and says that management failed to file paperwork with the Ontario Disability Support Program ('ODSP') preventing the automated pay direct transfers. Nothing in the review request supports that the Board was incorrect that the Tenant does not have a proposal to pay the rental arrears. The review request confirms the Board's determination that the Tenant disputes the arrears, not that they are planning to pay it. The review request does not address the Board's concern that the Tenant's expenses exceed their income leaving no available funds to pay the arrears.
6. The Board considered whether mandatory refusal of eviction applied in this case pursuant to section 83 (3)(a) of the Act because the Landlord is in serious breach of their responsibilities under the Act. The Tenant submits that the Board made factual errors in determining that the Landlord is not in serious breach of their responsibilities. The Tenant has not provided a transcript nor any time stamps from the hearing recording to prove that the Board misapprehended their evidence. I also note that the Board's description of the Tenant's evidence largely accords with what the Tenant has written in the review request. The Tenant has a window with a board over it, moisture in the basement, was waiting for a lab test for mould under the kitchen sink (that the Tenant has since received), and the Tenant is having issues with the functionality of their appliances. Mandatory refusal of eviction pursuant to section 83(3)(a) only applies to serious ongoing breaches. That a maintenance issue exists does not necessarily meet the high bar required. The Board provided sufficient and reasonable reasons for why the Board was not satisfied that the Landlord was in serious breach of their responsibilities under the Act.
7. The Tenant also disputes the decision to terminate the tenancy. The Board Member's decision to not provide relief from eviction is an exercise of discretion that is entitled to deference. I'm not satisfied that the Board Member unreasonably exercised their discretion. There are sufficient reasons explaining the result and the result is within the range of reasonable outcomes.
8. The review request is largely an attempt to reargue an application that has been finally determined. That is not the purpose of a review request. The Divisional Court in *Browne v. Henley Crescent*, 2026 ONSC 455 recently concluded that the Board made an error in law in conducting a review in the absence of a serious error. As in that case, the decision under review has the hallmarks of a reasonable decision. Disagreeing with a result is not sufficient to make a decision irrational. As the Supreme Court of Canada has pointed out, reasonable people can disagree; the fact that they do is not sufficient to make a decision

unreasonable: see *Canada (Minister of Citizenship and Immigration) v. Vavilov*, 2019 SCC 65, at para. 83.)

It is ordered that:

1. The request to review order LTB-L-101575-25 issued on March 11, 2026 is denied. The order is confirmed and remains unchanged.

March 20, 2026
Date Issued

Amanda Kovats
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.