



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

**Citation:** Bankuti v St. Paul's L'Amoreaux Centre, 2026 ONLTB 24858

**Date:** 2026-03-27

**File Number:** LTB-T-057969-24-RV

**In the matter of:** 276, 3333 Finch Avenue  
Toronto ON M1W2R9

**Between:** Victoria Bankuti Tenant

**And**

St. Paul's L'Amoreaux Centre Landlord

### Review Order

Victoria Bankuti (the 'Tenant') applied for an order determining that St. Paul's L'Amoreaux Centre (the 'Landlord'):

- substantially interfered with the reasonable enjoyment of the rental unit or residential complex by the Tenant or by a member of their household; harassed, obstructed, coerced, threatened or interfered with the Tenant. **(T2 application)**.
- failed to meet the Landlord's maintenance obligations under the *Residential Tenancies Act, 2006* (the 'Act') or failed to comply with health, safety, housing or maintenance standards. **(T6 application)**.

This application was heard on September 17, 2025 and resolved by order LTB-T-057969-24 issued on January 9, 2026.

On February 6, 2026, the Tenant requested a review of the order.

On February 9, 2026, interim order LTB-T-057969-24-RV-IN was issued directing the matter to a review hearing.

This review request was heard by videoconference on March 18, 2026. The Tenant and the Landlord's legal representative Terrence Pochmurski attended the hearing.

### Determinations:

1. The order issued on January 9, 2026 dismisses the Tenant's application as the Board was not satisfied on a balance of probabilities that the Landlord had breached their maintenance obligations under the Act or substantially interfered with the Tenant's reasonable enjoyment of the rental unit.

2. Despite the Tenant's T2 application also claiming harassment from the Landlord and their agents, the hearing recording and the written order only address the Tenant's claim for pest control concerns.
3. The Tenant's request for review asserts that the order contains a serious error and that a serious error occurred in the hearing process.
4. 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.
5. At the review hearing and in the written review request, the Tenant argues that an error occurred in the proceedings by the presiding Member only considering her claim for pest control concerns and not considering her allegations of harassment.
6. The hearing recording and the Board's record confirms that the Tenant's harassment claims on their T2 application do not contain sufficient details such as dates and times and that this concern was raised by the Landlord's representative at the commencement of the September 17, 2025 hearing. The Tenant further confirmed that at the hearing she advised the presiding Member that she would be willing to proceed only on her pest control claims and withdraw her claims for harassment.
7. As such, I am not satisfied that it was a serious error for the presiding Member to not consider the Tenant's T2 claims alleging harassment as the Tenant herself confirmed at the hearing that she would not be proceeding on this issue. The Board's review process is not an opportunity for a party to re-argue a matter because they now regret the way they presented their case.
8. The second ground for review is that the Member allegedly "railroaded" the Tenant's testimony and evidence and appeared to be bias as he frequently interrupted the Tenant during her evidence in chief.
9. The Tenant further confirmed at the review hearing that she did not raise issue with this conduct as she believed that the presiding Member would be ruling in her favour. The Tenant further testified that the Member appeared to be bias by not engaging in the same conduct when the Landlord testified.
10. I find no error with the presiding Member's approach and handling of the matter. The portion of the hearing recording that is available confirms that the Tenant was given a full opportunity to present their evidence and cross examine the Landlord. Although the Member may have intervened at times to ensure that the Tenant's testimony was relevant to the proceedings, I find that this was a proper exercised of active adjudication to ensure that the matter proceeded in the most expeditious manner as required by the Board's mandate under section 183 of the Act.
11. Further, the Tenant's own testimony and the hearing recording shows no indication that the Member was biased towards the Tenant. Rather, the Member assisted the Tenant throughout the proceedings to ensure that her testimony and evidence was relevant to the issues being alleged in the applications.
12. For bias to exist, there must be a reasonable, demonstrable apprehension of bias proven. The onus of demonstrating bias lies with the person who is alleging its existence. The test

of bias is objective, not subjective. The Tenant's perception of bias simply because the order goes against their interests is not enough. A real likelihood or probability of bias must be demonstrated. There is presumption of judicial impartiality and the threshold to establish bias is high. [*R. v. S. (R.D.) 1997 CanLII 324 (SCC), 1997 3 S.C.R. 484*]. The legal test of a reasonable apprehension of bias is whether an informed, reasonable and right-minded person, viewing the matter realistically and practically, and having thought the matter through, would conclude that it was more likely than not that the trial judge would not decide fairly. [*Bailey v. Barbour, 2012 ONCA 325*].

13. There is no evidence in the Board's record to suggest that the presiding Member was biased against the Tenant, but rather, it appears that the Tenant is only now taking concern with the Member's handling of the proceeding because the Member did not order in her favour.
14. As such, this portion of the review request is also denied.
15. The remainder of the Tenant's review request seeks to re-argue the Member's findings that the Landlord was not in breach of the Act with respect to the pest control concerns alleged.
16. The Member provided sufficient reasons for his findings, and the order confirms that these findings were consistent with the evidence and testimony presented at the hearing. The findings of the Member are entitled to considerable deference. I will not interfere with the assessment of the evidence by the Member of first instance, who had the opportunity of hearing the evidence in its totality and assessing the credibility of the parties.
17. Although the Tenant disagrees with the January 9, 2026, order, the Board's review process is not an opportunity for a party to re-argue a matter in the hopes of a different outcome.
18. In the absence of a demonstratable error in the January 9, 2026, order or that a serious error occurred in the proceedings, the request for review must be denied.

**It is ordered that:**

1. The request to review order LTB-T-057969-24 issued on January 9, 2026, is denied. The order is confirmed and remains unchanged.

**March 27, 2026**  
**Date Issued**

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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.