



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

File Number: LTB-L-106889-25-RV

In the matter of: 412, 9 BERGAMOT AVE
ETOBICOKE ON M9W1W2

Between: Pinedale Properties Ltd. Landlord

And

Janet Chika Elebeonu Tenant
Risqot Sanni-Mutushi

Review Order

Pinedale Properties Ltd. (the 'Landlord') applied for an order to terminate the tenancy and evict Janet Chika Elebeonu and Risqot Sanni-Mutushi (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was resolved by order LTB-L-106889-25 issued on March 13, 2026.

On March 20, 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, that a serious error occurred in the proceedings, or that the Tenant was not reasonably able to participate in the proceeding.
2. The Tenant attended the hearing and actively participated. The Tenant submits that the hearing was procedurally unfair and that they were not reasonably able to address key issues including the application of the rent deposit, the service of the N4 notice of termination, and an agreement they had with the Landlord to end the tenancy on March 31, 2026. The Tenant has not requested a copy of the hearing recording, provided a transcript, or provided time stamps for the relevant portion of the recording. The Tenant has provided insufficient information to support that the hearing was procedurally unfair. The Tenant's submissions are also inconsistent with the order. The order considers the issues the Tenant says they were not allowed to address, which demonstrates that the Tenant did have an opportunity to be heard on the issues. Paragraphs 2-5 consider the Tenant's evidence about the service of the N4, paragraph 17 addresses that there is a rent deposit, and paragraph 20 considers the Tenant's evidence that they wish to vacate on April 1, 2026.

3. The Tenant seeks to introduce new evidence on review. The Tenant states that the Landlord's ledger shows that the Landlord applied the last month's rent deposit to March 2026. The Tenant seems to be arguing that this demonstrates that the tenancy should end March 31, 2026, not March 24, 2026 as established by the order. I'm not satisfied that this new evidence is potentially determinative of a central issue in dispute. The Board was aware that the Landlord was holding a rent deposit and applied it to the amount owing. The Board's decision is consistent with section 106(10) of the *Residential Tenancies Act, 2006* ('the Act') which establishes that a rent deposit shall be applied to the last rent period before the tenancy terminates.
4. The Tenant also seeks to introduce new evidence of a transcript of a conversation they had with the Landlord about the service of the N4 notice of termination. The order reflects that the Tenant raised the issue of service of the N4 notice of termination at the hearing and had an opportunity to be heard on the issue. I'm not satisfied that with the exercise of diligence all the Tenant's evidence about the service issue could not have been presented at the hearing. The Tenant could have talked to the Landlord earlier about the issue or cross examined the Landlord at the hearing. I'm not satisfied that the proposed new evidence meets the criteria for admittance on review.
5. The Tenant submits that it was unreasonable to terminate the tenancy on March 24, 2026, when there was evidence that the parties agreed to terminate the tenancy on March 31, 2026. I am not satisfied that the Hearing Member unreasonably exercised their discretion. Again, the Tenant has not provided any reference to the hearing recording to establish what evidence they provided at the hearing. The letter attached to page 9 of the review request is not an agreement signed by both parties. Additionally, the parties at the hearing did not ask the Board to issue a consent order, the parties had a contested hearing, which demonstrates that the parties had not formalized an agreement regarding when the tenancy was to terminate. The order considers the tenant's testimony that they wish to vacate on April 1, 2026. The Hearing Member's exercise of discretion is entitled to deference. I am not satisfied that the decision is outside the range of reasonable outcomes.

It is ordered that:

1. The request to review order LTB-L-106889-25 issued on March 13, 2026 is denied. The order is confirmed and remains unchanged.

March 23, 2026
Date Issued

Amanda Kovats
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.