



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

File Number: LTB-L-009615-25-RV

In the matter of: Unit 12, 16 OPEONGO SQUARE
BARRYS BAY ON K0J1B0

Between: Touch Magazine Inc. Landlord

And

Adam Glofcheskie Tenant

Touch Magazine Inc. (the 'Landlord') applied for an order to terminate the tenancy and evict Adam Glofcheskie (the 'Tenant') because the Landlord requires possession of the rental unit in order to convert the unit to a non-residential use.

This application was resolved by order LTB-L-009615-25 issued on February 18, 2026.

On March 20, 2026, the Representative requested a review of the order.

A preliminary review of the review request was completed without a hearing. In determining this request, I reviewed the audio recording for this hearing.

Determinations:

1. The Landlord's review request (RTR) claims that Board order issued on February 18, 2026 (the "Order") contains a serious error and that the Landlord was not reasonably able to participate in the proceeding. In particular, the RTR states "*the serious error of law in the order relates to the finding that converting a rental unit in a hotel back into a commercial hotel room is not-residential purpose*". The RTR further states:

...the legal question raised is an important one which is not settled in law...This question deserves a fair and fulsome hearing where the parties are allowed to give legal argument and present relevant law for consideration, The Landlord submits the member should have scheduled another hearing to discuss the matter, or at the very least, invited written submissions to the question.

2. Based upon the circumstances described and for the reasons that follow, I am not satisfied that a serious error occurred in the Order or the proceeding.

3. The Landlord's L2 Application is brought under section 50 of the *Residential Tenancies Act*, 2006 (the "Act"), which provides as follows:

50 (1) A landlord may give notice of termination of a tenancy if the landlord requires possession of the rental unit in order to,

...

(b) convert it to use for a purpose other than residential premises;

4. While the RTR claims the member failed to raise/question whether the Landlord's proposed conversion to a hotel room is "*a non-residential use*", the onus to prove all of the allegations in the application rest with the Landlord. Section 50(1)(b) of the Act, in this regard, is clear as to the requisite requirements to be met. Moreover, the hearing recording also shows that at the commencement of the hearing, the member specifically identified that one of the issues in dispute was whether the Landlord's intended plans for the rental unit are covered under section 50 of the Act.
5. While it is clear the Landlord disagrees with the member's findings, the purpose of the review process is not to provide parties with an opportunity of relitigating the issues in the hopes of a better outcome. Moreover, a request will not be granted simply because a review adjudicator might have come to a different conclusion about the evidence.
6. Here, the Landlord's representative and agent were in attendance at the hearing and the Landlord's agent provided testimony on the relevant issues, including the type of building at issue, its tenancy history and the landlord's purported intention for both the building and the rental unit. Ultimately, the member found that based upon the evidence adduced, "*the Landlord's proposed conversion is not the kind authorized by clause 50(1)(b) of the Act*". The Order shows the member's determination is based upon relevant considerations and in the circumstances, I am satisfied that sufficient reasons were provided in support of the member's findings.
7. As I am not satisfied that there is a serious error in the order or the proceedings and/or that the Landlord was not reasonably able to participate in the proceeding, the RTR must be denied.

It is ordered that:

1. The request to review order LTB-L-009615-25 issued on February 18, 2026 is denied. The order is confirmed and remains unchanged.

March 24, 2026
Date Issued

Peter Nicholson
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.