



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

File Number: LTB-L-097124-25-RV

In the matter of: B, 402 BAYSHORE RD
NAPANEE ON K0H1G0

Between: Cathy Conrad Landlord

And

William Daniel Daverne Tenant

Review Order

Cathy Conrad (the 'Landlord') applied for an order to terminate the tenancy and evict William Daniel Daverne (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was resolved by order LTB-L-097124-25 issued on March 17, 2026.

On March 23, 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 a serious error occurred in the proceedings.
2. The Tenant submits that the Board made a serious error in not allowing the Tenant to raise tenant issues pursuant to section 82 of the *Residential Tenancies Act, 2006* ('the Act'). The Tenant submits that they believed that they had submitted their evidence properly by uploading it to the Tribunal's Ontario Portal ('TOP').
3. Section 82 of the Act and Rule 19.4 of the Board's Rules of Procedure establish that a tenant who wishes to raise issues pursuant to section 82 of the Act must disclose to the Landlord a list of issues and the evidence they intend to rely upon at least 7 days before the hearing. The Board's notice of hearing makes clear that the parties must give each other their evidence AND upload their evidence to TOP. It was not unreasonable for the Board to refuse to hear the Tenant's issues when they failed to meet the disclosure requirements.
4. The Tenant also states that the Board made a serious error in not allowing them to rely on other evidence including their introductory statement. Other than an opening

statement the Tenant does not make clear what other evidence they were not permitted to rely upon. I'm not satisfied that if the Board asked the Tenant to testify as opposed to reading an opening statement, that a serious error occurred. Section 25.0.1 of the *Statutory Powers Procedures Act* establishes that the Board can control its own processes. The order reflects that the Tenant understood the relevant issues and was given an opportunity to be heard on those issues.

5. The Tenant repeats the claim they made at the hearing that the Landlord owes them money. The Tenant says that they testified it was difficult to move out due to not having the funds they are owed by the Landlord. The Tenant references a part of the order that says the Tenant wants to move out but proposed a delay to February 28, 2026. The Tenant states that it was the Member who proposed this option and that they agreed on the basis that they could move out if the Landlord paid them what they owed.
6. It is not clear based on the submissions in the request what serious error the Tenant is alleging occurred regarding their claim that the Landlord owed them money and that the Tenant needs time to move out. The Tenant states that the Board made an error in law but does not clearly explain what that error is. The Tenant might be saying that the Board misapprehended their testimony that they were willing to move out and that the Tenant actually meant that doing so is conditional on receiving the money they say they are owed by the Landlord. If the Tenant is making another claim they have not made that sufficiently clear in the review request.
7. The order reflects that the Board understood and considered the Tenant's claim that the Landlord owes them money, that the Tenant testified that they had not moved out yet because they did not receive the money they were owed, and considered the Tenant's request for relief from eviction in the form of a delayed termination of the tenancy. I'm not satisfied that the Board misapprehended or failed to consider the Tenant's testimony.
8. I'm also not satisfied that any other serious errors occurred in the Board's analysis. The Board reviewed the parties lease agreement and determined that the monthly rent is \$500.00 a month and that the tenant owes a significant amount of arrears. The Board's decision is rationally connected to the evidence led at the hearing. The Board's decision to terminate the tenancy was an exercise of discretion that is entitled to deference. The decision is within the range of reasonable outcomes.

It is ordered that:

1. The request to review order LTB-L-097124-25 issued on March 17, 2026 is denied. The order is confirmed and remains unchanged.

March 24, 2026
Date Issued

Amanda Kovats
Member, Landlord and Tenant Board

Toronto ON M7A 2G6

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