



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

Citation: BUSH v DO, 2026 ONLTB 25129

Date: 2026-03-24

File Number: LTB-T-055767-22-RV

In the matter of: 2411, 23 SHEPPARD AVE E
TORONTO ON M2N0C8

Between: JAMES BUSH Tenant

And

MICHAEL DO 'aka Cuong Duy Do' Landlord

Review Order

JAMES BUSH (the 'Tenant') applied for an order determining that MICHAEL DO 'aka Cuong Duy Do' (the 'Landlord'):

- entered the rental unit illegally.
- altered the locking system on a door giving entry to the rental unit or residential complex without giving the Tenant replacement keys.
- 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.

This application was resolved by order LTB-T-055767-22 issued on March 5, 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. In determining this request, I reviewed the materials in the LTB's file as well as the audio recording for this hearing.

Determinations:

1. The review request submits that the order contains a serious error, that a serious error occurred in the proceeding, and that the Tenant was not reasonably able to participate in the proceeding.
2. The review request alleges that the Member denied the Tenant procedural fairness by failing to grant an adjournment despite the Tenant's medical issues, which he submits prevented him from properly preparing for the hearing. However, on review of the hearing recording, the Tenant did not request an adjournment. At the hearing, the Member

specifically asked whether the Tenant was requesting an adjournment, to which the Tenant responded that he wished to make post-hearing written submissions if required. At no time did the Tenant request an adjournment. As such, there is no error in the Board not granting an adjournment where none was sought.

3. The review request alleges that the Member failed to make determinations or provide sufficient reasons on the preliminary issues raised by the Tenant. These issues related to the Tenant's request to amend the application to reflect the correct spelling of the Landlord's name and the Tenant's request to record the hearing. Paragraphs 1 to 4 of the order addresses these preliminary issues. Further, on review of the hearing recording, oral reasons were provided to the Tenant. As such, I am not satisfied that the that the Member failed to consider the Tenant's preliminary issues or that the order contains insufficient reasons.
4. The review request alleges that the Member failed to provide accommodation under the *Human Rights Code* by denying the Tenant's request to record the hearing, relying on section 136(2)(b) of the *Courts of Justice Act*. Section 136(2)(b) permits a party to seek the Board's permission to record a hearing for the sole purpose of supplementing or replacing handwritten notes. Paragraph 2 of the order sets out the reasons for denying the Tenant's request. Further, the hearing recording confirms that the Tenant was advised he could request a copy of the official hearing recording by making a request through the Board's process. The Tenant was also provided with time to review his notes to ensure his evidence was complete. After a short break, the Tenant continued to provide evidence for over an hour. In these circumstances, I am not satisfied that the denial of the Tenant's request was unreasonable or that the Member failed to provide appropriate accommodation.
5. The review request alleges that the Member denied the Tenant's right to submit evidence. The Tenant sought to introduce evidence relating to utility bills to support a claim for out-of-pocket utility expenses; however, these issues were not raised in the Tenant's application and were therefore not relevant to the matters before the Member. In the circumstances, I find that the Member's decision not to accept this evidence was reasonable and does not constitute an error.
6. The review request further alleges that the Member rushed the proceeding, predetermined the outcome, failed to permit the parties to submit evidence, and improperly interrupted the Tenants while they were giving testimony. These allegations appear to relate to other matters addressed by the Board on the same day and are not relevant to this application. In any event, a review of the hearing recording confirms that the Member took the appropriate time to address the application, asked relevant questions, and provided the Tenant with a meaningful opportunity to present his evidence. While the Member did intervene to ask questions, the Tenant was not prevented from providing complete responses. I therefore find that the Tenant was afforded procedural fairness and there was no error in the proceeding.
7. Lastly, the review request alleges that the Member erred in interpreting the evidence and misapplied the law. However, no specific particulars of the alleged errors have been

provided. A disagreement with the Member's findings does not establish a serious error. As such, I find that no error has been demonstrated.

8. Although the Tenant disagree with the March 5, 2026 order, the order sets out a reasonable basis for the determinations made. As stated in Guideline 8 of the Board's Interpretation Guidelines, the Member's findings of fact are entitled to considerable deference. Reasonable determinations will not be interfered with on review.
9. The Tenant's disagreement with the Member's determinations is not sufficient grounds for review. There is nothing in the record to support a determination that the hearing Member applied improper principles in assessing the evidence introduced or that there was insufficient evidence before the Board to support its conclusions.
10. 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 proceeding, or that the Tenant was not reasonably able to participate in the proceeding.

It is ordered that:

1. The request to review order LTB-T-055767-22 issued on March 5, 2026 is denied. The order is confirmed and remains unchanged.

March 24, 2026
Date Issued

Mayra Sawicki
Member, Landlord and Tenant Board

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

