



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

Citation: YU v Joensen, 2026 ONLTB 27191

Date: 2026-03-30

File Number: LTB-L-069020-25-RV

In the matter of: 46 SELKIRK DR
WHITBY ON L1M2E6

Between: JIA YU Landlord

And

Rick Joensen Tenants
Kristina Joensen

Review Order

JIA YU (the 'Landlord') applied for an order to terminate the tenancy and evict Rick Joensen and Kristina Joensen (the 'Tenant') because:

- the Landlord in good faith requires possession of the rental unit for the purpose of residential occupation for at least one year.

This application was resolved by order LTB-L-069020-25 issued on February 27, 2026.

On March 29, 2026, the Tenant requested a review of the order.

A preliminary review of the review request was completed without a hearing.

Determinations:

1. The request for review alleges that the order contains a serious error on the basis that the Member failed to properly consider section 83(3) of the *Residential Tenancies Act, 2006*, the ("Act"). More specifically, the Tenant submits that the Member failed to consider relevant evidence demonstrating that the application was brought because the Tenants attempted to secure or enforce their legal rights.
2. The review request attempts to reargue the Tenant's position.
3. The Member's findings 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. At the hearing, the presiding Member determined that the Landlord filed their application in good faith and not as a result of the Tenants'

attempt to secure or enforce their legal rights. The presiding Member provided sufficient reasons for his findings in paragraphs 16 to 21 of the order.

4. Interpretation Guideline 8 - Review of an Order states:

A review is not an appeal or an opportunity to change the way a case was presented. The purpose of the review process is not to provide parties with an opportunity of presenting a better or different case than they did at first instance. There is nothing in the record or in the request for review to support a determination that the Member applied improper principles in assessing the evidence introduced or that there was insufficient evidence before the Board to support its conclusions. I would not interfere with the assessment of the evidence by the Member of first instance, who had the opportunity of observing the witnesses and of hearing the evidence in its totality. [TSL-51694-14-IN-RV \(Re\)](#), 2015 CanLII 23959 (ON LTB) at para 10

5. Although the Tenants disagree with the February 27, 2026 Board order, the Board's review process is not an opportunity for a party to reargue a matter that has been finally determined in the hopes of a different outcome. There is no indication that the Member applied improper principles in assessing the evidence introduced in this case or that there was insufficient evidence before the Board to support the Member's conclusions.
6. As I am not satisfied that the order contains a serious error, and in the absence of a demonstrable error in the February 27, 2026 order or that a serious error occurred in the proceedings, the request to review the order must be denied.

It is ordered that:

1. The request to review order LTB-L-069020-25 issued on February 27, 2026 is denied. The order is confirmed and remains unchanged.

March 30, 2026
Date Issued

Mayra Sawicki
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.