



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

Citation: SALLAY v FUNG, 2026 ONLTB 19082

Date: 2026-04-02

File Number: LTB-L-105092-25-RV

In the matter of: UNIT 1510, 150 SUDBURY STREET
TORONTO ON M6J3S8

Between: JOANNE SALLAY Landlords
GEORGE SALLAY
RHONA SALLAY

And

CINDY FUNG Tenants
BRANDON ANTHONY OTTEY

Review Order

JOANNE SALLAY, GEORGE SALLAY and RHONA SALLAY (the 'Landlords') applied for an order to terminate the tenancy and evict CINDY FUNG and BRANDON ANTHONY OTTEY (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

This application was resolved by order LTB-L-105092-25 issued on March 16, 2026.

On March 16, 2026, BRANDON ANTHONY OTTEY (the 'Tenant') requested a review of the order.

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

Determinations:

1. The Tenant alleges that the order contains a serious error.
2. The tenancy that is the subject matter of this application is a joint tenancy with both Tenants as parties to the agreement.
3. The Tenant vacated the rental unit several years ago but did not do anything to address their legal liability with respect to the rental unit (e.g. terminate the tenancy by notice or agreement or assign their interest in the rental unit).
4. The Tenant alleges that it is a serious error for them to be a party to these proceedings and to be held liable for the arrears that arose well after they vacated.

5. While I empathize with the Tenant's situation, I am not persuaded that the order contains a serious error as the order accurately follows the current state of the law with respect to joint tenancies as it applies to the facts of this case.
6. The Tenant takes issue with the finding that they were in possession of the rental unit at the time the application was filed, however this is not material to the decision and does not constitute a serious error.
7. As a result, 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 or that the Tenant was not reasonably able to participate in the proceeding.

It is ordered that:

1. The request to review order LTB-L-105092-25 issued on March 16, 2026 is denied. The order is confirmed and remains unchanged.

April 2, 2026
Date Issued

Richard Ferriss
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.