



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

Citation: Merritt St. Apartments Inc. v Sterling, 2026 ONLTB 28151

Date: 2026-04-02

File Number: LTB-L-105549-25-RV

In the matter of: C, 358 MERRITT ST
ST CATHARINES ON L2T1K8

Between: Merritt St. Apartments Inc. Landlord

And

Shereena Salijhe Sterling Tenant

Review Order

Merritt St. Apartments Inc. (the 'Landlord') applied for an order to terminate the tenancy and evict Shereena Salijhe Sterling (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was resolved by order LTB-L-105549-25 issued on March 6, 2026.

On April 2, 2026, the Tenant requested a review of the order.

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

Determinations:

1. The Tenant submits that the Board made serious errors by not hearing their tenant issues under section 82 of the *Residential Tenancies Act, 2006* ('the Act'), by finding that the Tenant did not vacate the rental unit until January 31, 2026, and the Board's finding about the lawful monthly rent.
2. On the basis of the submissions made in the request, I am not satisfied that there is a serious error in the order.
3. The issues raised in the review request were all raised at the hearing. The Tenant states that they dispute the Board's findings but does not make clear how the Board made a serious error. The Board provided sufficient and reasonable reasons for the decision not to hear the Tenant's issues, for the finding regarding when the Tenant vacated the rental unit, and the finding regarding the lawful monthly rent. The Board's findings are rationally connected to the evidence led at the hearing. There is nothing in the review request that supports that the Board applied improper principles in assessing the evidence introduced.

4. The review request is largely an attempt to reargue an application that has been finally determined. That is not the purpose of a review request. The Divisional Court in *Browne v. Henley Crescent*, 2026 ONSC 455 recently concluded that the Board made an error in law in conducting a review in the absence of a serious error. As in that case, the decision under review has the hallmarks of a reasonable decision. Disagreeing with a result is not sufficient to make a decision irrational. As the Supreme Court of Canada has pointed out, reasonable people can disagree; the fact that they do is not sufficient to make a decision unreasonable: see *Canada (Minister of Citizenship and Immigration) v. Vavilov*, 2019 SCC 65, at para. 83.)
5. While the Tenant raised the issue of the lawful monthly rent at the hearing the Tenant frames the issue slightly differently in the review request. At the hearing the Tenant argued that the Landlord agreed to reduce the rent by \$50.00 for failing to provide internet. The Board rejected that argument. In the review request the Tenant argues that the rent should be reduced by \$50.00 because that is the amount for a separate parking charge and what the Tenant calls their “base rent” was only \$750.00. The Tenant has not made clear in the review request whether they raised the issue about parking at the hearing. The Tenant has not provided a transcript of the hearing and has not referenced a time stamp on the recording. It was not a serious error for the Board not to consider what was not before it.
6. Additionally, the Tenant does not make clear how being charged for parking establishes that the order contains a serious error. Section 2(1) of the *Residential Tenancies Act*, 2006 (‘the Act’) establishes that rent includes the amount of any consideration paid for the right to occupy a rental unit and for any services and facilities and any privilege, accommodation or thing that the landlord provides for the tenant in respect of the occupancy of the rental unit, whether or not a separate charge is made for services and facilities or for the privilege, accommodation or thing. Rent can therefore include a set charge for parking.

It is ordered that:

1. The request to review order LTB-L-105549-25 issued on March 6, 2026 is denied. The order is confirmed and remains unchanged.

April 2, 2026
Date Issued

Amanda Kovats
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.