



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

Citation: Scott v Jones, 2026 ONLTB 29085

Date: 2026-04-08

File Number: LTB-L-087880-25-RV

In the matter of: BSMT, 3755 ELLESMERE RD
SCARBOROUGH ON M1C1H8

Between: Andrea Scott Landlord

And

Yvonne Jones Tenant

Review Order

Andrea Scott (the 'Landlord') applied for an order to terminate the tenancy and evict Yvonne Jones (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.

The Landlord also claimed compensation for each day the Tenant remained in the unit after the termination date.

This application was resolved by order LTB-L-087880-25 issued on March 6, 2026.

On April 4, 2026, the Landlord requested a review of the order.

A preliminary review of the review request was completed without a hearing. In determining this request, I listened to the audio recording for this hearing.

Determinations:

1. The order under review dismisses the Landlord's application because the rental unit is identified in the application as "BSMT," but the basement of the residential complex contains two separately tenanted units. The Member dismissed the application because the order issued may be unenforceable and could impact the other tenant who was not involved in these (or any) proceedings.
2. The Landlord submits that the Member seriously erred by dismissing the application on procedural grounds rather than determining the merits. This implies that no application may be dismissed on procedural grounds, which is absurd. Applications at the LTB are

regularly dismissed on procedural grounds. In this case it was reasonable to dismiss the application on the basis that the order could result in the eviction of a person who was not subject to these, or any, proceedings.

3. The Landlord submits that the Member seriously erred by dismissing this application without considering either adjourning the matter, amending the application, or accepting clarifying evidence.
4. The Member did not adjourn the matter because there was no request to adjourn. The Member did not amend the application because neither party requested that the application be amended. Although the LTB has jurisdiction to adjourn hearings and amend applications, Members are not required to offer adjournments or amendments when they are not requested. To say that the Member did not accept clarifying evidence implies that he was offered it. He was not, and so he did not consider such evidence.
5. 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.

It is ordered that:

1. The request to review order LTB-L-087880-25 issued on March 6, 2026 is denied. The order is confirmed and remains unchanged.

April 8, 2026
Date Issued

Renée Lang
Vice Chair, 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.

